THE DECLARATION OF INDEPENDENCE

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Reprinted from
THE INTERNATIONAL MONTHLY
FOR JULY, 1901.

BURLINGTON, VERMONT,
1901.

THE DECLARATION OF INDEPENDENCE

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The Declaration of Independence marks the climax of the Revolutionary movement in America. It announced to the world that Great Britain and her colonies, after a journey in company along the same road for a hundred and fifty years, had come to the parting of the ways. It is a brief but eloquent and comprehensive summary of the reasons that made the separation inevitable. Within those few terse and masterly lines are contained the history of the great controversy that peacefully assumed definite shape, in 1763, and came to an end only after bitter war. By no mere chance was Jefferson called on to write the document that has been termed "the best known paper that ever came from the pen of an individual." Many persons throughout the colonies had produced pamphlets innumerable upon the rights of the colonies and the wrongs they had suffered. But none had so wrought as Jefferson. His "Summary View," written in 1774 and designed to serve as articles of instructions to the Virginia delegates to the Continental Congress, showed him to have a scholarly knowledge of the history of the colonies, a philosophic insight into the essentials of the controversy, and withal a facility of expression that were possessed by none of his contemporaries. The sentiment of Congress, therefore, irresistibly turned to him as the fittest person to draw up a declaration of the character desired. The event proved the wisdom of the choice.

For while the Declaration included nothing that was not familiar to every frequenter of the taverns, to every reader of the newspapers and pamphlets, Jefferson yet couched this memorable paper in such powerful terms that even wavering minds could not but be fired with something of enthusiasm by its perusal.

Though this remarkable summary of grievances needed no elucidation to men of that generation, it is almost meaningless to us. In but few instances do the histories covering the period lend any aid. An explanation, therefore, of the Declaration of Independence as understood by the men of the Revolution may prove of interest, especially as we are again hearing constant reference to the "undying principles" of that document.

Passing over the philosophy of the opening paragraph with the remark that it breathes the spirit of Locke throughout, with naught of French casuistry in it, we come immediately to the counts in the indictment against King and Parliament. They show a total of twenty-six. For seventeen of these the King alone is held accountable, while for the remainder he is made to share the responsibility with Parliament.

In the first two charges, Jefferson leaps at once into the thick of the controversy. He has included in them the whole great question of royal prerogative, as against colonial freedom from control, that agitated the English in America for all of a century.

Excepting only Rhode Island, Connecticut, and Maryland, all the colonies had fully experienced what it meant to enact laws "wholesome and necessary for the public good" only to have them repeatedly rejected by the King in Council. Every man had felt the strong arm of the home government interfering, not only in public, but in his private affairs as well. To such an extreme had this been carried, that after 1773 even a divorce could not be granted in any of the colonies, for the penalty was instant dismissal to the governor who lent his assent to such a law. That same year witnessed at least twenty important colonial laws rejected by the King upon various pretexts. What Jefferson had in mind, however, was the repeated disallowance of laws passed by the colonies to promote their welfare, but

which came into conflict with the theories of government entertained by the home authorities. Such were the laws of Virginia and other Southern colonies designed to prohibit the slave-trade and the introduction of convicts, and those of nearly all the colonies for issuing bills of credit and naturalizing aliens. And Massachusetts, as is well known, had her great grievances over laws relating to questions of compensating, in her own way, the sufferers from the Stamp Act riots, as well as over questions of taxation and the appropriation of money for salaries of government officials.

Attempts to restrict the importation of slaves were made at an early date. Every law of this nature was disallowed by the home government. Thus fared the acts framed in South Carolina in 1760, in New Jersey in 1763, and in Virginia in 1772.

Similarly, the endeavors to prevent the entrance of convicts, regarded, if possible, with less favor even than slaves, met with no greater success. Franklin spoke strongly against this in 1768, and John Dickinson wrote in the same year, "The emptying their Jails upon us and making the Colonies a Receptacle for the Rogues and Villians: an Insult and Indignity not to be thought of, much less borne without Indignation and Resentment."

Also, bills of credit were then an absolute necessity in order that the colonists might be enabled to carry on trade by means other than those of mere barter. But the policy of King and Parliament was against their allowance. First came the breaking up of the Massachusetts and Pennsylvania land bank schemes. Then the act of Parliament, of 1764, prohibiting absolutely the making of bills of credit legal tender, served to emphasize the fact that all control by the home government was not exercised with an eye to furthering the best interests of the colonies, but rather to help the English traders and manufacturers in increasing their fortunes. Thus were laws of New Jersey (1758 and 1769), of Pennsylvania (1759), and of New York (1769 and 1770) of this nature disallowed by the King in spite of urgent petitions in their favor.

When Massachusetts compensated the sufferers from the Stamp Act riots, pardoning the offenders at the same time, the law was promptly disallowed. Not only this, but to forestall just what happened, the King by Order in Council, May 13, 1767, required the governor to have a law passed compensating the sufferers, "unmixed with any other matter whatsoever," should payment of the sums appropriated have been made before the law could cross the ocean and be placed before the King. A few years later, when the controversy thickened, the Governor of Massachusetts and the Assembly of that colony were continually at loggerheads. The disallowance by the former of the bill passed in 1771, taxing the new Customs Commissioners, served not only to increase the existing feeling of irritation at having such a body of foreign and uncontrolled officers in their midst, but also tended to interfere seriously with the necessary legislation of the colony. The disallowance of naturalization laws need not detain us here, for we shall have occasion to speak of them below.

Passing, then, to the second charge, we find it but a refinement, or rather an elaboration, of the preceding. The first intimation that a closer control over colonial legislation was intended, came when Parliament addressed the King, in 1740, requesting that governors of the colonies be instructed to assent to no law that failed to contain a clause suspending its action until transmitted to England for consideration. Then followed the royal instruction of 1752 calling for a revision of the laws in force in all the colonies and ordering, at the same time, their transmission to England, and the insertion in each of a clause "suspending and deferring the execution thereof until the royal will and pleasure may be known thereon." A case in point arose in New York, in 1759, when Governor DeLancey was instructed to assent to no law empowering justices of the peace to try minor cases, unless such act contained the suspending clause. The most serious of all the rules enforcing this policy, however, was that aimed at the suppression of lotteries, then so great a factor in the economic and social life of the colonies. Down to 1769,

they flourished unrestricted, but in that year the royal governors were prohibited from assenting to any law of this kind that lacked the suspending clause,—a practical veto upon all attempts at raising funds by such means. Special instructions (1771) prohibited Governor Martin of Virginia from signing any law of this character, on the reasonable ground that the practice "doth tend to disengage those who become adventurers therein from that spirit of industry and attention to their proper callings and occupations on which the public welfare so greatly depends."

As respects the latter portion of this second charge,—the neglect of laws suspended in their action until the royal assent be obtained,—we have a typical instance in four laws passed in Virginia, in 1770, and transmitted to England at once. They were not even considered by the Lords Commissioners for Trade and Plantations until nearly three years after their enactment. Three were then confirmed, but a fourth was set aside for final action at a later date, until more information respecting it might be obtained from the Governor of Virginia. Jefferson denounced this policy at some length and with great vehemence in his "Summary View," for he was fully aware how heavily its practice bore upon his own colony.

With the third charge, however, we reach the first grievance in the list that meant everything to the men of that time, but to which our historians have paid no attention. It has to do with the erection of additional counties out of newly settled districts and of their representation in the colonial assemblies. The colonists claimed this power as a right. But the King regarded it as a privilege to be procured only through the royal grace and favor. A clash was inevitable. It came in New Hampshire, New York, New Jersey, and Virginia, the colonies most actively engaged in peopling their western lands. New York tried to give representation to two newly erected counties, Cumberland (1766) and Albany (1768), but was prevented in each case. Not only that, but in the latter instance the King graciously consented to the division of the county and the election of two new members from it to the Assembly; only on condition, however,

that in the law establishing the new county no mention should be made of representation. The year 1767 witnessed the issuance of a royal instruction embodying this law in its most stringent form, designed to control absolutely the whole matter of representation in the assemblies, and the qualifications of electors and elected as well. Virginia felt that this bore with particular severity upon her, and her leading men knew well that Governor Martin had, in 1771, received explicit orders to carry out this instruction to the letter. Jefferson regarded it as a great grievance and an infringement on the rights of freemen. According to his view, the people living on the western borders and having no local courts, nor any local government, found the administration of justice almost an impossibility. "Does his Majesty seriously wish," wrote he, "and publish it to the world, that his subjects should give up the glorious right of representation, with all the benefits derived from that, and submit themselves the absolute slaves of his sovereign will?"

Leaving that question undecided, we come to the three charges respecting the removal of assemblies, their dissolution, and the failure to convoke them after long periods. These need not detain us more than a moment. The details of the removal of the Massachusetts Assembly to Cambridge and Salem, and that of South Carolina to Beaufort, are many and varied, and are to be found in all histories of the times. Moreover, we are all quite familiar with the dissolution of the Virginia Assembly, in 1765, after the passage of Patrick Henry's famous resolutions; with that of Massachusetts, in 1768, for refusing to review the action on the Circular Letter; and that of South Carolina and Georgia for daring to withstand Lord Hillsborough's order to treat that letter "with the contempt it deserves." In a like manner, the passage of the ringing Virginia Resolves, in 1769, led to another dissolution. And when a Continental Congress was in question, in 1774, all but three of the colonies had to elect delegates by means of provincial conventions or committees of correspondence, because their assemblies had been dissolved by the royal governors. The last of these three charges relates undoubtedly to the calling of the

Boston town meeting of September, 1768, to urge upon the governor the necessity for convening the Assembly, which had been dissolved because of its action on the Circular Letter, while troops, but recently ordered to Boston to quell the disturbances there, "exposed the citizens to all the dangers of invasion from without and convulsion within." And in New Hampshire and South Carolina and Virginia, in the autumn of 1775, affairs of Government had come to such a pass that an appeal to Congress was made for advice. The answer came to establish governments that will "best promote the happiness of the people," and "most effectually secure peace and good order."

We turn now from the familiar details of dissolved assemblies to the little known affairs relating to land grants and naturalization. The proclamation of the autumn of 1763, in which the King expressed his intention to erect new colonies out of lands that the colonists claimed by right of charter, meant the serious curtailment of these claims and the obstruction of the migration westward. It marked the initiation of a new policy. It restricted the limits of the colonies claiming rights to the South Seas to "the heads or sources of any of the rivers which fall into the Atlantic Ocean." Beyond the "heads or sources" was a reserved domain out of which the governors were prohibited from making any grants whatever. Worse still, those who had settled in these regions were peremptorily ordered to vacate, on the pretext that the lands were reserved for the Indians. But the movement had already set towards the west, and no such restrictions could check it. Land companies, in which Franklin and men of his stamp were interested, made petition for the right to found colonies, but met only with refusal. Yet the westward migration could not be stayed, although the attempt was made by means of the Order in Council of 1773 prohibiting the royal governors from issuing any patents until further instructions were issued. These followed a year later, and were even more grievous, in that they raised the "conditions of new appropriations of lands." The royal lands were to be sold at specified times to the highest bidders at the upset

price of sixpence the acre, and with the reservation of an annual quit rent of one half penny the acre to the King. No lands were to be disposed of except in this way. Jefferson had this in mind when he wrote the Declaration and when he said, in 1774, "His Majesty has lately taken on him to advance the terms of purchase, and of holding to the double of what they were, by which means the acquisition of lands being rendered difficult, the population of our country is likely to be checked." Only the advance of the Revolution prevented the carrying out of these provisions, which were everywhere regarded as harsh and unjust.

Closely allied to the question of granting lands was that of the naturalization of aliens. This was very generally practiced by the colonies, not so much with a view to conferring political rights as for the purpose of attracting desirable immigrants to open up their undeveloped territory. Where the right to transmit his property to posterity was accorded him, there would the immigrant settle. Such acts of naturalization met with no comment from the home government till the proclamation of 1763 was issued. From that time on, however, few of these acts passed the ordeal of the Commissioners for Trade and Plantations without recommendation for disallowance. Finally, in November, 1773, came the royal instruction prohibiting absolutely the naturalization of any aliens and the passage of any acts to that end. It was a heavy blow to the prosperity of the larger land-holding colonies: Virginia, New York, New Jersey, and Pennsylvania, the settlement of which bade fair now to be seriously interfered with.

That part of the same charge that mentions the refusal to assent to laws encouraging immigration had reference to an act passed in North Carolina in 1771. It exempted persons coming immediately from Europe from all forms of taxation for four years. It was disallowed, however, by the King, in February, 1772, on the ground that it related especially to certain Scotch immigrants, since its provisions applied only to persons coming immediately from Europe, and thus might have an evil effect upon the "landed Interests and Manufacturers of Great Britain and Ireland."

Going a step farther, we search our histories in vain for an explanation of the complaint that the administration of justice has been obstructed by the refusal of assent to laws for establishing judiciary powers. Our first thought, on endeavoring to account for this, is likely to be of the long-standing controversies in New York and Massachusetts over the payment of the salaries of the judiciary and the conditions of their tenure of office. The question at issue, in both instances, hinged upon granting salaries by colonial appropriation or permitting payment to be made from the crown funds. By a policy, adopted at an early date (1761), Great Britain persistently refused to permit the judges to hold office during good behavior, as in England, and insisted, instead, that they must hold only during the King's pleasure. Forced to yield with no good will to this extension of the royal prerogative, the colonists resisted to the utmost the additional encroachment, that made it possible to enforce obnoxious laws and decrees by the whole power of a judiciary dependent not only for its tenure, but for its stipends as well, upon the absolute good will of the crown. The tenure established, to fix salaries was but a repressive step in advance, although the question did not develop till 1767. Then that ill-advised Townshend Act, known as the "glass, lead, and paint" act, passed Parliament, and became the law of the realm. Its preamble stated boldly its design to make "a more certain and adequate Provision for defraying the Charge of the Administration of Justice and the Support of Civil Government, in such Provinces where it shall be found necessary." A paragraph in the bill, explaining how this was to be carried out, showed that it was no idle declaration of intention merely. To the inhabitants of these colonies, already goaded to the point of rebellion because of excessive control of their internal affairs, this meant an intolerable interference with their just rights, and was not to be borne.

Furthermore, the extension of the jurisdiction of the Admiralty courts, in 1764 and 1768, with the great enlargement of their powers, foreshadowed the possible extinction of trial by jury in

civil as well as maritime causes. No case was ever tried in an Admiralty court before a jury, and the judges of these courts were royal appointees receiving their salaries, supposedly, from fines and the proceeds of the sale of condemned vessels; but, as this source failed to bring in any revenue, they were paid directly out of the royal exchequer. The greatest of the controversies over judicial salaries, however, is the famous one begun in Massachusetts when, on that evil day in February, 1773, Governor Hutchinson announced to the Assembly of the province that the King had made provision for the justices of the Superior Court, and that consequently no appropriation was necessary for their maintenance. As its details are well known, we need not stop to recount them.

By this time the careful reader of the Declaration will have discerned that instead of making clear the charge respecting the obstruction of judiciary powers, in reality the next succeeding grievance has been explained. We must, therefore, take up the thread where it was dropped and elucidate one of the obscurest of the historical references. The man whose mind evolved the Declaration knew that in such a state paper the most crying wrongs of each colony must in some measure be enumerated. That while it would be best, for the most part, to confine the charges to those restrictive measures that concerned all alike, the most crying local grievances of each colony must not be disregarded. The colony whose cause is here advocated is North Carolina. And unquestionably, political considerations occasioned this recognition of the fact that she had been the earliest to declare in favor of independence. Outside of local histories we seek in vain for the explanation of this important episode in her history, even though it attained a prominence so great as to find a place in the Declaration.

The controversy held in mind by Jefferson was an old one, and began when, in January, 1768, Governor Tryon signed a law, passed at a previous session of the Assembly of North Carolina, that provided, among other things, for establishing Superior Courts of justice. The law was to be in force for

five years only, and from then to the end of the next regular session of the Assembly. For three years, all went well because the Lords Commissioners for Trade and Plantations paid little attention in the interval, to colonial laws. Fault was then found with this "Superior Court Act" because of a clause that made the property of persons who had never been in the colony liable to attachment on the suit of the creditor. This was in contravention of the laws of England. While the Lords Commissioners considered it a serious departure from legal form, they agreed, nevertheless, that if the Assembly would amend the act in this particular, they would not recommend its disallowance. No action in response to this hint was taken by the North Carolina Assembly, and after waiting a due season,—about a year,—the King was persuaded to issue a royal instruction prohibiting his governor from giving his assent to any law containing the attachment clause, unless it included a provision suspending its operation until the royal pleasure was made known. This came in February, 1772, and was well timed, for the law was to expire by limitation the next year, and, consequently, if proper provision were not made by the Assembly, no courts would exist in the province. In February, 1773, therefore, when the Assembly passed a new Court Act, making provision for Superior and Inferior courts retaining the objectionable attachment clause, the contest was on in bitter earnest. The first law enacted contained no suspending clause. This the Governor, Martin, vetoed. Then the Assembly yielded so far as to add the suspending clause, but retained the attachment provision. This was, of course, disallowed by the King, and meanwhile, as there were no courts in the province, the governor was instructed to establish them on his own responsibility. This he did, but the Assembly refused to recognize his authority, and made no appropriation for the salaries of the judges. Persisting in their determination to have the kind of bill they wanted and to control their own affairs, they passed the one previously disallowed, when they convened again in March, 1774. They were then prorogued for their obstinacy, and practically did not sit again

while North Carolina was under British rule. Thus, as a result of the controversy, not only was the Assembly dissolved, because it failed to do as it was bid, but from 1773 until North Carolina assumed State government, in 1776, there were no courts in the province.

From the controversy over judges to that over commissioners for the enforcement of customs laws is but a step. Their appointment is made the basis of the grievance charging that a multitude of new officers had been sent to America "to harass the people and eat out their substance." For, with the decision of Townshend to pass an act of taxation, was combined the determination to enforce it at all hazards. As there was no governmental machinery in America to support this policy, a new engine of oppression was instituted by the first of the Townshend Acts. Its provisions were exceedingly modest in that they simply authorized the King to appoint Commissioners of Customs to reside in America, with power and jurisdiction similar to the British Commissioners. They in turn were empowered to appoint an indefinite number of deputies, and it was this multiplication of officers that aroused the hostility of the colonists. Their salaries, moreover, were to be paid out of the receipts from the customs, and constituted the most serious aggression, of this nature, to which the colonists took exception. Yet one that caused but little less irritation was the policy initiated by Grenville, in 1764, when he determined upon rigorously enforcing the existing trade laws with a view to putting an end to smuggling. In accordance with this intention, he placed Admiral Colville, naval commander-in-chief on the coasts of North America, virtually at the head of the revenue service. And each captain of a vessel was instructed to take the customs house oath, and aid in the seizure of those engaged in the illicit trade, which had been connived at for years. Further, as offences against the revenue acts were to be tried in courts of Admiralty or vice-Admiralty, their increase with new officers became necessary. The first of the new courts with previously unheard of jurisdiction was opened at Halifax, in 1764, while the act of 1768 made provision for their extension throughout the other colonies.

The next charge has to do with the maintenance of troops in the colonies without the consent of the legislatures. With this we may couple the later accusation of quartering troops upon the people. As the facts respecting each are so well known, we need not stop to consider them. The same may be said of the grievance in which complaint is made of rendering the military independent of and superior to the civil power. This has reference, of course, to the appointment of General Gage as Governor of Massachusetts in the spring of 1774. The powers conferred on him were so extensive, that, upon the abrogation of the charter by the Massachusetts Act, he exercised an absolute authority that could not fail to excite armed resistance.

Thus we have come to the end of the first division of grievances. The master mind of Jefferson perceived that he must adopt a manner of accusation that was sufficiently emphatic to inspire enthusiasm, and yet not weary with the long recital of "abuses and usurpations,"—all of the same character and recounted in the same style. Therefore, after the enthusiasm of the reader has been kindled by the nervous, terse sentences, there is a sudden break, and the form of indictment undergoes a brief change. The attack is resumed, after only a moment's pause, not, however, against the King alone. For Parliament now shares jointly with him the burden of offence.

Of the first of the new order of grievances we have already sufficiently spoken. The next, however, which complains that soldiers escaped through mock trials the consequences of any murders they might commit, needs some comment, for it is not free from ambiguity. Yet it must refer to the trial of Captain Preston and his men for the deaths resulting from what is known as the "Boston Massacre." This trial was, however, full and free, and the acquittal of all but two of the accused by the Boston jury is a high tribute to their dispassionate fairness. Despite it all, the memory of the dead men, who were looked upon as martyrs, was always cherished, and for long years afterwards the day was observed by the delivery of orations in commemoration of the occasion. The event aroused feelings of horror through-

out the colonies, for it marked the first occasion on which blood had been shed in the contest with England, that was so rapidly drifting into war. Yet Jefferson had the cause of the Revolution too dearly at heart to permit him so to distort the appearance of any of the acts of aggression as to give them a face that was not theirs. What, therefore, must have been uppermost in his mind when penning this clause was the recent act for the "impartial administration of Justice," (May, 1774,) which was designed to provide for just such contingencies as had arisen in the case of the Boston Massacre,—the trial of persons accused of murder while in the discharge of their official duties. In accordance with its provisions, all persons in the service of his Majesty, military as well as civil, accused of murder committed while executing the laws of the realm in the colonies, might in order to ensure a fair trial obtain a change of venue to some other colony, or to Great Britain. Provision was made for the transportation of witnesses as well, and most grievous of all, the person thus accused might be admitted to bail, it mattered not how flagrant the crime charged against him. As the likelihood of a British official, military or civil, being brought to trial in England for a crime committed in executing the law in America was extremely remote, this was considered as an unwarrantable invasion of colonial rights.

Having thus far dealt in the main with the political side of the grievances, Jefferson, in order that nothing of importance should be omitted, now turns to those oppressions that bore most heavily upon the economic life of the people. And if there is a weak point in the whole Declaration, it is the failure to dwell to any extent upon the narrow British economic policy towards the colonies, which meant simply using them for the benefit of the manufacturers and traders at home. This is all the more surprising since in the beginning the opposition to the enforcement of trade laws and the right to taxation was based as largely upon economic as upon political grounds. All attention was soon centred, however, upon that side of the controversy that gave the greater opportunity for appeals to the passions of the

multitude,—the rights claimed as theirs by reason of being free-born English subjects. To cut off the trade of the colonists with all parts of the world, as written in the Declaration, was a policy first adopted in the days of Cromwell and Charles II. and persisted in to the end. But the acts of aggression particularly offensive were those instituted by Grenville, in 1764, when he revived the Molasses Act of 1733, by which an end was intended to be put to the rum traffic of New England, and the rigorous measures already referred to for enforcing obsolete trade laws. An idea of the full meaning of this intention may be gathered when we recall that, all in all, about thirty acts had been passed by Parliament at various times for the purpose of binding the colonial trade. Up to this time, however, they had been so loosely enforced as to cause little inconvenience. Coming down to a later day, we have the well known acts of 1774, which closed the port of Boston, and the acts of March, April, and December, 1775, which effectually prohibited all trade with the colonies, thereby cutting them off from all the world.

We need not stop to consider the chiefest of the familiars of our history, the complaint of taxation without consent, but may turn to that which is not so well known, and which deals with transportation for trial beyond the seas. This meant the revival of an old law, passed in the reign of Henry VIII., by which it was made possible to send any person, accused of treason in any part of the realm, to England for trial. The first intimation that this act was to be extended to America came in 1769, after the failure of Massachusetts to rescind her circular letter, and the riots that took place upon the seizure of John Hancock's sloop the "Liberty." Parliament in that year, in an address to the King, made the suggestion that then was a favorable time for the revival of this law. Matters rested in this uncertain state until June, 1772, when after the revenue vessel "Gaspee" was burned to the water's edge at Newport, the determination to punish violators of the revenue acts, and these destructive rioters in particular, was greatly intensified. A commission was therefore instituted, in the autumn of 1772, to

investigate this offence. These commissioners had extensive powers, yet the weightiest part of their instructions was that which ordered them to transport the offenders to England for trial.

In the autumn of 1772, just previous to the appointment of this commission, and before the knowledge of the "Gaspee" incident had even reached England, an act had been passed "for the better securing and preserving His Majesty's Dock Yards, Magazines, Ships, Ammunition and Stores." In this was included the detested transportation provision. It aroused great opposition, for it deprived the colonists of their dearly cherished right of "a constitutional trial by a jury of the vicinage." The law, already referred to, "for the impartial administration of Justice," while designed to protect the revenue and other officials also belongs to this category of ills, because of its transportation clauses.

The possible enforcement of the Quebec Act of 1774, with its far-reaching provisions for extending the use of the civil as against the common law, was made the ground of the next grievance. As it never went into force in any respect, however, it is difficult to tell exactly what its effects might have been. Yet the extension of the limits of the province created by the proclamation of 1763, so as to include all the country west of the Alleghanies and as far south as the Ohio River, meant a further encroachment upon the territory of those colonies that claimed charter rights to much of the land thus included. The reasons already given, therefore, added to the opportunities for further aggression that the enforcement of this act might offer, rendered it one of the laws that was looked on with the greatest disfavor by the colonists. It appeared to them as one more extension of the royal prerogative against which they had for so long a time been contending without avail.

What the Quebec Act lacked in clearness, however, was more than supplied by the very evident intent of the bill regulating the government of Massachusetts. If any one act of aggression can be set down as the cause, immediate or remote, of the

Revolution it is this. None carried with it so much consternation and dismay. None aroused at the same time so much stern opposition. Its great importance, therefore, made it necessary that reference should be made to it in the Declaration. If the power to take away or alter a single charter was once recognized, the rights of no colony were safe from destruction. The principle, if carried out to its logical conclusion, meant the possible abolition of all the laws developed by the English in America through a period of a hundred and fifty years, and the substitution in their stead of such manner and form of government as the will of an arbitrary sovereign might dictate. When, therefore, this act abolished, with one stroke, the Council as it had been developed; curtailed the power of the Assembly; practically put an end to that great institution for the redress of grievances, the town meeting; made serious changes in the manner of selecting the judiciary and jurors; and virtually made the governor the supreme power in the province, we cannot wonder that this act of revenge upon Massachusetts, which foreshadowed what might be expected to happen elsewhere, aroused a spirit of opposition throughout the colonies such as had never before been called forth. Herein lay the main part of the grievance. Yet the earlier decision (1772) to sever the Governor of Massachusetts completely from any dependence upon the Assembly for his salary, and thereby to make his freedom of action the greater, was also an innovation in settled custom that was viewed with naught but disfavor. And when the great contest was waging in North Carolina over the establishment of courts, the attempt of the Governor to pay no heed to the recalcitrant Assembly by endeavoring to establish courts on his own responsibility, was likewise regarded as "altering fundamentally" an established form of government.

Nor could the colonies ever become reconciled to that short-sighted policy that, because of the spirited resistance of the New York Assembly to the demands made upon it, could offer no other solution of the difficulty than the suspension of the legislature until it bent the knee and yielded. The colonists were

accustomed to the exercise of the governor's power of veto and prorogation. This had been submitted to from the beginning, and was regarded as a constitutional mode of enforcing royal authority. But to go so much further, and for a trivial action on the part of the New York Assembly, to suspend indefinitely its legislative functions by act of Parliament, was regarded as an exercise of unwarranted authority to which the colonists never became reconciled. Although forced to yield, New York's cause was made the cause of all, and the voice of protest against this act, resounding so far as the halls of the Continental Congress of 1774, was to be reëchoed in the immortal Declaration of 1776. It was, moreover, an enforcement of the Declaratory Act of 1766, little heeded at first, but now seen to be fraught with the utmost danger to colonial rights. And the Tea Acts of 1770 and 1773 were regarded as but other isolated instances of the policy thus announced.

We have come now to the end of the political grievances. The last five of all, for which the King is again held solely responsible, deal with the armed movement for suppression, begun at Lexington and Concord, emphasized in the proclamation of August, 1775, declaring the colonists in rebellion and announcing the intention to suppress the revolutionists with a high hand, and repeated in the speech from the throne in October of the same year. This meant war in earnest, and with its beginnings the royal governors, ever in a perplexing situation, were now forced to flee for their lives. First Governor Dunmore of Virginia, soon followed by Tryon of New York, Martin of North Carolina, and Campbell of South Carolina, "abdicated government," as Jefferson euphemistically termed it, and left the inhabitants of those colonies to their own devices in creating new forms of government.

The other acts complained of need but little explanation, for they all form part of the history of the commencement of the war. With the burning of Falmouth and Charlestown, Norfolk and Charleston, the employment of Hessians—"foreign mercenaries"—to fight the cause of England, and the act of Parlia-

ment of December, 1775, which authorized the capture and condemnation of trading ships, and compelled "our fellow citizens taken captive on the high seas to bear Arms against their country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands,"—all are familiar.

The last grievance refers to a possible condition of affairs, ever dreaded and against which precautions had been taken by numerous acts of legislation. Those acquainted with life in the South are aware of the fear engendered by the thought of a servile war. Nothing more horrible could be imagined; the only thing to be compared with it was to let loose bands of well-armed Indians to plunder and devastate the country. When, therefore, Dunmore, in the spring of 1775, in order to enforce his decree, threatened to arm the negroes and Indians, the alarm he created was widespread, and had much to do with bringing into existence a well-trained militia. The governors of North and South Carolina were known to be adopting similar measures, and the latter was denounced as "having used his utmost endeavors to destroy the lives, liberties and properties of the people." Along with this came the endeavor to engage the Indians as allies, and Gage issued instructions to that effect in the summer of 1775. The Indian agent Stuart, on the borders of South Carolina, made overtures, and won to him the Creeks and Chicksaws, while Sir Guy Carleton was making similar progress with the Six Nations in the North.

Jefferson's task has now come to an end. No colony has been overlooked. No grievances common to all are omitted from the terrible arraignment. All must henceforth, as Franklin put it, "hang together or hang separately." We cannot fail to recognize, in the light of the interpretation of the various clauses of the Declaration given above, and of the history of events up to July, 1776, that a master political mind penned that document, and a master spirit breathed vigor into its several parts. What goes before is a fitting prelude to, an unanswerable argument in behalf of, the right to declare that "We, therefore, the Representatives of the United States of America, in General Congress

assembled appealing to the Supreme Judge of the World for the rectitude of our intentions, do in the Name and by Authority of the good People of these Colonies, solemnly publish and declare, That these United States are and of Right ought to be Free and Independent States * * * *."

The International Monthly, Vol. II

THE INTERNATIONAL MONTHLY

$4 a Year. BURLINGTON, VT. **Single Number,**

P. O. Feb., '05.